

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3C.1, 301.1 to permit a side setback of 10" inches in lieu of the required 7'-5" for an open projection (carport).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Need to protect cars and side of house.
Existing driveway is on that side of house.
Carport is adjacent to a vacant lot and will not affect property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Howard Decorators

(Type or Print Name)

Signature

617 George Ave

City and State

MD

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

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City and State

IN RE: PETITION ZONING VARIANCE
SE/S of George Avenue, 375'
SW of the centerline of Myrth
Avenue (617 George Avenue) -
15th Election District
Robert Douglas Howard, et ux,
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 10 inches instead of the required 7.5 feet in order to construct a carport, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Charles Dunlow, a carpenter employed by Mr. Howard in his construction business, who is constructing the carport, appeared on behalf of the Petitioners. James Caraway and Charles Atkinson, neighbors and adjacent property owners, testified in opposition.

The Petitioners wish to protect one of their cars and are having a 12' x 36' carport constructed which will extend from the existing driveway down the side of their house. They have water problems in their basement on the north side and expect that the carport will cure this problem.

Mr. Caraway argued that the carport would adversely impact property values, would be creating a precedent for other properties in the neighborhood, and would cause further water run-off problems.

The first two issues, although legitimate concerns, lack merit; however, the latter is significant. Mr. Howard stated that he had obtained permission from the property owner to the rear, Mr. Delp, to connect a drain pipe from the down spouts on both sides of his house into Mr. Delp's drain, which would lead the water out onto Woodward Avenue in front of Mr. Delp's property.

Zoning Description

Beginning at a point on the southeast side of George Ave. (50' wide), at a distance of 375 feet southwest of the centerline of Myrth Avenue and being lot No. 37 as shown on "Plat of Part of Essex Landa's Subdivision" which is recorded in the Land Records of Baltimore County in Liber 5, Folio 52. Known as 617 George Avenue in the 15th Election District.

Mr. Caraway argued that Mr. Delp had agreed to allow connection into his drain for water run-off from only the south side. Therefore, there would be no solution to the run-off problem, inasmuch as the carport is so close to his property.

Although Mr. Delp was not present at the hearing, he was contacted and verbally indicated to this Commissioner that he agreed to permit only one side of Mr. Howard's house to be connected into his drain.

The Petitioners seek relief from Sections 1802.3C.1 and Section 301.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

It is clear from the testimony that if the variance were granted, such use as proposed would be contrary to the spirit of the BCZR and would result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would not result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would not unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, that on the 27th day of June, 1986, that the Petition for Zoning Variance to permit a side yard setback of 10 inches instead of the required 7.5 feet be and is hereby DENIED, subject to the following:

PETITION FOR ZONING VARIANCE

15th Election District

Case No. 86-517-A

LOCATION: Southeast Side of George Avenue, 375 feet Southwest of the Centerline of Myrth Avenue, (617 George Avenue)

DATE AND TIME: Monday, June 23, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 10 inches in lieu of the required 7 feet 5 inches for an open projection (carport)

Being the property of Robert Douglas Howard, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

1. The Petitioners have 30 days from the date of this Order to remove the carport which was constructed without a permit.

Zoning Commissioner of
Baltimore County

At/srl

cc: Mr. & Mrs. Robert Douglas Howard

Mr. James Caraway

Mr. Charles Atkinson

People's Counsel

DATE June 27, 1986
BY [Signature]

RE: PETITION FOR VARIANCE
SE/S of George Ave., 375'
SW of the C/L of Myrth
Ave. (617 George Ave.)
15th District
ROBERT DOUGLAS HOWARD,
et ux, Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 9th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Robert Douglas Howard, 617 George Ave., Baltimore, MD 21221, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

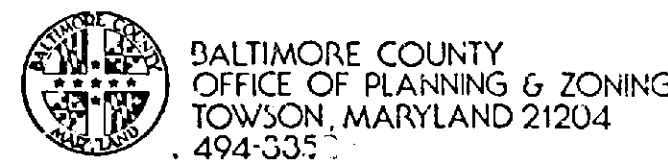
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 21st day of May, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Robert D. Howard, et ux
Attorney: [Signature]
Received by: James E. Byer
Chairman, Zoning Plans
Advisory Committee



ARNOLD JABLON
ZONING COMMISSIONER

June 17, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. Robert D. Howard
Mrs. Patricia Howard
617 George Avenue
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
SE/S George Ave., 375' SW of the c/l
of Myrth Ave. (617 George Ave.)
15th Election District
Robert Douglas Howard, et ux - Petitioners
Case No. 86-517-A

Dear Mr. and Mrs. Howard:

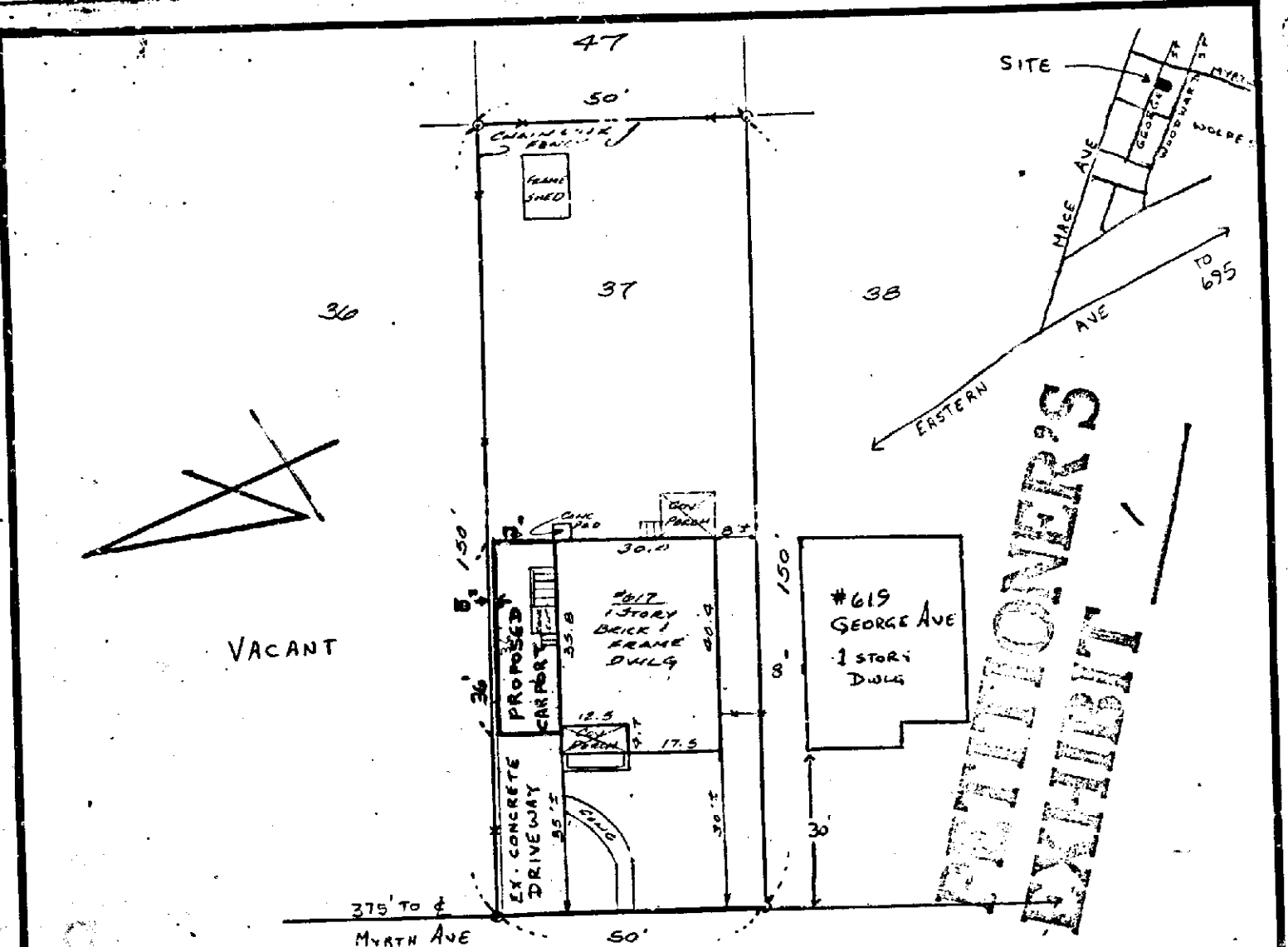
This is to advise you that \$62.60 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property until it is placed by this office.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 6/24/86 ACCOUNT R-01-615-000
SIGN & POST RETURNED 6/24/86 AMOUNT \$ 62.60
FOR Robert D. Howard
Advertising and Posting re Case #86-517-A
C 011*****020014 0247
VALIDATION OR SIGNATURE OF CASHIER



PUBLIC UTILITIES
EXIST IN GEORGE AVE. GEORGE AVENUE
(30' WIDED)
(30' PAVING) DR S.S.

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENT THEREON AND THAT THEY ARE LOCATED AS SHOWN. THIS PLAN IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

NOTE: ALSO KNOWN AS LOT 37 AS SHOWN ON "PART OF PART OF ESSEN LANDS SUBDIVISION" RECORDED IN BALTO. CO. IN PLAT BOOK 5 FOLIO 52. 15TH ELECTION DISTRICT

2-27-84 John C. Mellema, Jr. REG. NO. 107

LOCATION SURVEY
617 GEORGE AVENUE BALTIMORE CO., MD.

JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
6100 BALTIMORE NATIONAL PIKE - BALTIMORE, MARYLAND 21228

SCALE 1"=30'
DATE 9-27-84
JOB NO. 54270

PETITION FOR ZONING VARIANCE
15th Election District
Case No. 86-517-A

LOCATION: Southeast Side of George Avenue, 375 feet Southwest of the Centerline of Myrth Avenue, 617 George Avenue, Baltimore, Maryland.

DATE AND TIME: Monday, June 15, 1986 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance to permit a side yard setback of 10 inches in lieu of the required 7 feet 6 inches for an open projection (carport).

Being the property of Robert Douglas Howard, et ux, as shown on the plan filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
3511 June 1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 5, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 5, 1986.

THE JEFFERSONIAN,

Susan Anderson Phoebe
Publisher

Cost of Advertising

24.75

Petition for Zoning Variance

15th Election District
Case No. 86-517-A

LOCATION: Southeast side of George Avenue, 375 feet southwest of the centerline of Myrth Avenue (617 George Avenue).

DATE & TIME: Monday, June 23, 1986 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance to permit a side yard setback of 10 inches in lieu of the required 7 feet 6 inches for an open projection (carport).

Being the property of Robert Douglas Howard, et ux, as shown on the plan filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County

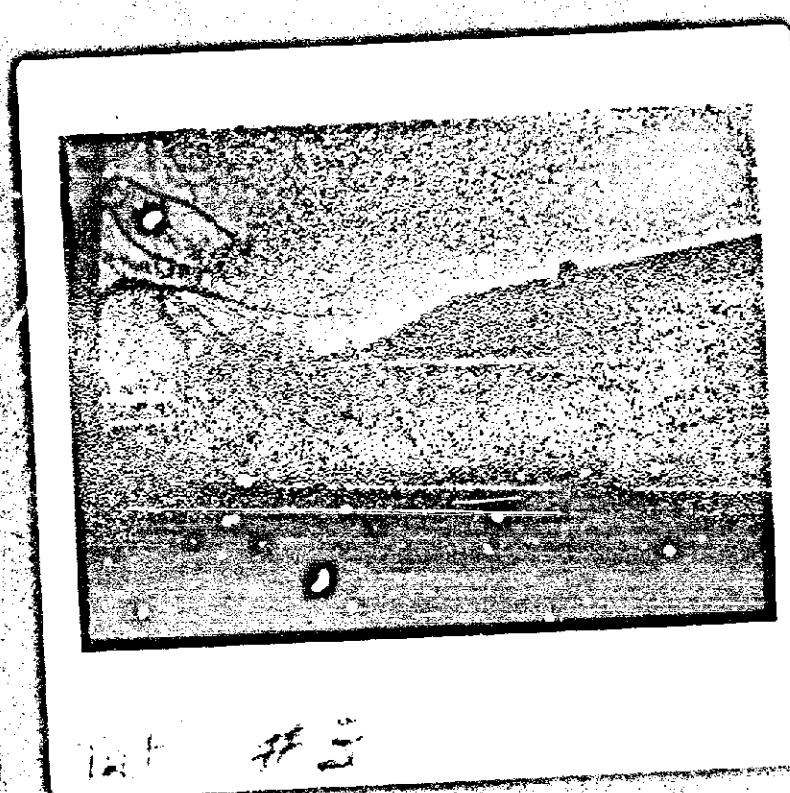
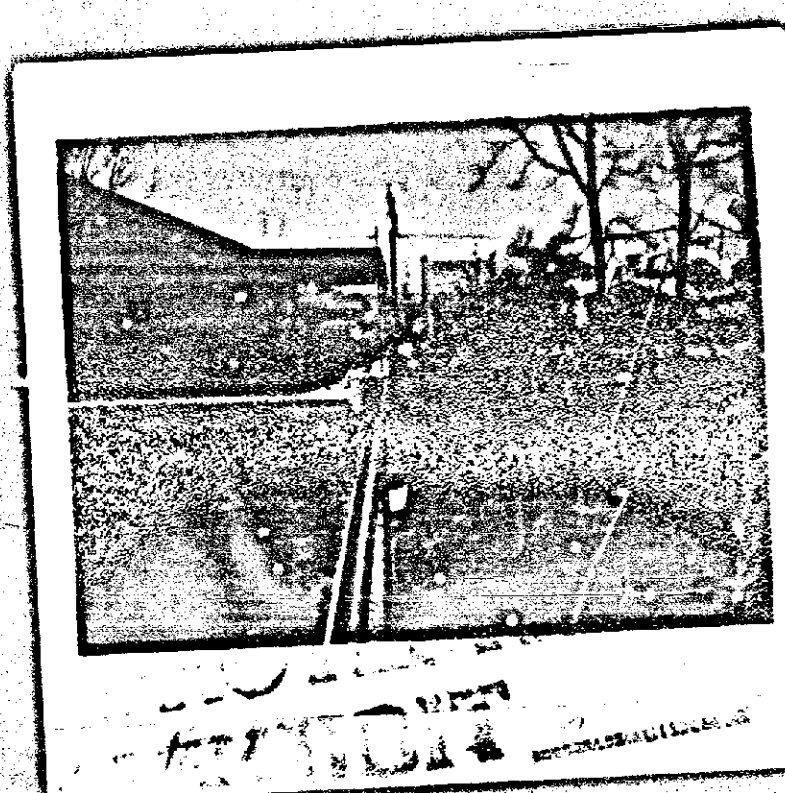
The Times

Middle River, Md., June 5, 1986

This is to Certify, That the annexed

Petition for Zoning Variance was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 15th day of June, 1986.

By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 6/14/86

Posted for: Variance

Petitioner: Robert Douglas Howard, et ux

Location of property: SE/S George Ave., 375' SW of Myrth Ave. 617 George Ave.

Location of Sign: George Avenue, 375' SW of Myrth Ave. 617 George Ave.

Remarks: as property is petitioned.

Posted by: [Signature] Signature Date of return: 6/16/86

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 16, 1986

Norman E. Gerber, AICP
FROM: Director, Office of Planning & Zoning

SUBJECT: Zoning Variance Petition Nos.

- 86-517-A Robert D. Howard, et ux
- 86-518-A John M. Williams, et ux
- 86-522-A Herman G. Ainschuetz, et ux
- 86-523-A Lupton Construction & Building Co., Inc.
- 86-525-SpH B. J. Kirkwood & Co., Inc.
- 86-527-A Jeffrey Zuckerberg, et ux

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, AICP
Norman E. Gerber, Director

NEG:JGH:bjs

CPS-008

Mr. Robert Douglas Howard
Mrs. Patricia Howard
617 George Avenue
Baltimore, Maryland 21221

May 23, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SE/S George Ave., 375' SW of the c/l
of Myrth Avenue. (617 George Ave.)
15th Election District
Robert Douglas Howard, et ux - Petitioners
Case No. 86-517-A

TIME: 9:30 a.m.

DATE: Monday, June 23, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 6/24/86 ACCOUNT 01-615

SIGN & POST RETURNED 6/24/86 AMOUNT \$ 35.00

FOR Robert D. Howard

Advertising and Posting re Case #86-517-A

C 011*****020014 0247

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 10, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21224

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. and Mrs. Robert Howard
617 George Avenue
Baltimore, Maryland 21221

RE: Item No. 393 - Case No. 86-517-A
Petitioner: Robert and Patricia Howard
Zoning Variance Petition

Mr. and Mrs. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

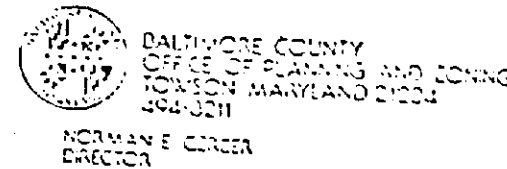
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: John C. Mellema, Sr., Inc.



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JUNE 2, 1986

Re: Zoning Advisory Meeting of MAY 6, 1986
Item # 393
Property Owner: ROBERT D. HOWARD et al
Location: SE/S GEORGE AVE. 375'
SW of Q of MYRTH AVE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The access is not satisfactory.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking arrangement is not satisfactory.
- ☐ Parking calculations must be shown on the plan.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board on _____.
- ☐ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☐ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- ☐ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
- ☐ Additional comments: _____

cc: James Howell

Eugene A. Rober
Chief, Current Planning and Development



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

May 20, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Robert D. Howard, et ux

Location: SE/S George Avenue, 375' SW of centerline of Myrth Avenue

Item No.: 393 Zoning Agenda: Meeting of 5/6/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Joseph Kelly 5/20/86
Planning Group
Special Inspection Division

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

May 19, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 393 Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert D. Howard, et ux
Location: SE/S George Avenue, 375 feet SW of c/l Myrth Avenue
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- (B) A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 1401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 1401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Uses _____. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- (G) Comments: See memo for open porches. Attached carports shall be constructed the same as rear porches. A minimum Class "C" roof is required.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Dunham
By: C. E. Dunham, Chief
Building Plans Review

4/22/86

BALTIMORE COUNTY BUILDING CODE

1984 BOCA, SECTION 110.6

CODE MEMORANDUM #1

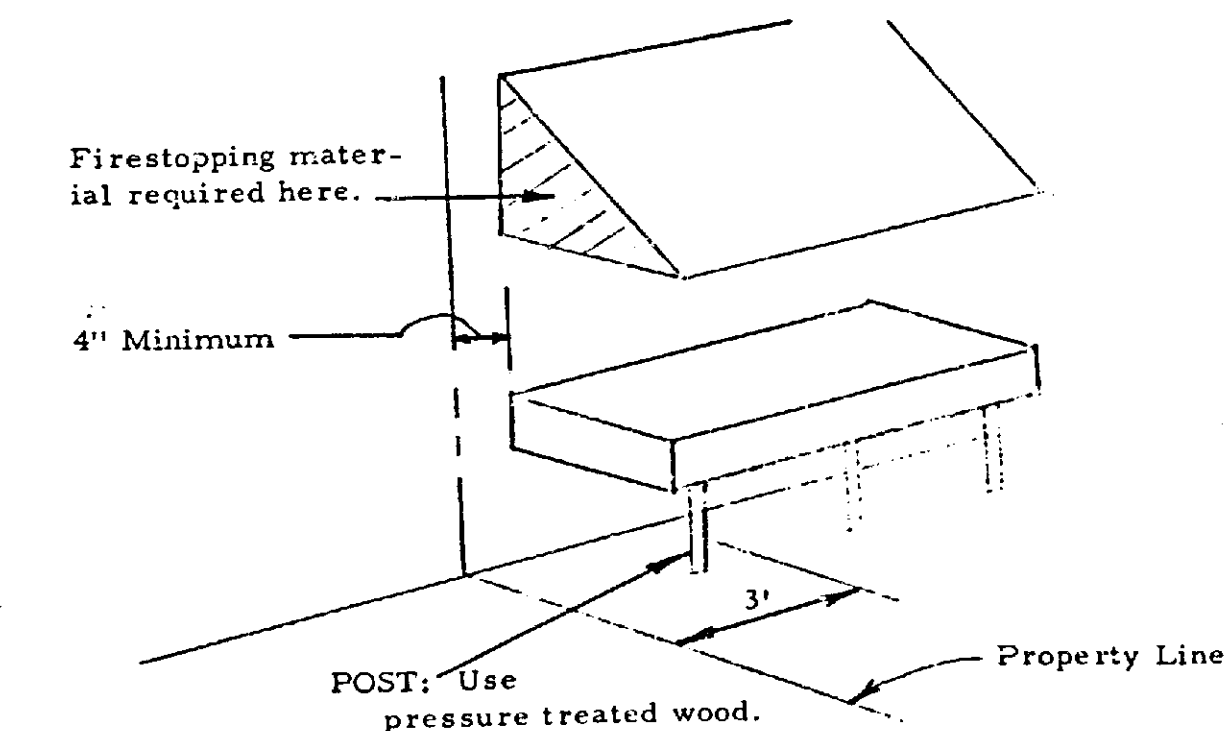
Effective 4-22-85

SUBJECT:

A. Rear Porches

Rear open porches may be constructed of combustible materials up to 3 feet from a property line without any additional fire protection requirements.

Rear open porches may be constructed of combustible materials up to 4" from a property line if facing surfaces shown (see diagram) are protected by a layer of drywall, fire retardant treated plywood, or other approved firestopping material and any exposed supporting members within 3 feet are non-combustible, or pressure treated wood.



OVER

393 86-517-A PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

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Existing driveway is on that side of house.
Carport is adjacent to a vacant lot and will not affect property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

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I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Howard Decorators

(Type or Print Name)

Signature

617 George Ave

City and State

MD

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

Phone No.

Legal Owner: Robert Douglas Howard

(Type or Print Name)

Signature

Robert Douglas Howard

(Type or Print Name)

Signature

617 George Ave

City and State

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day

of May 1986, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

on the 23rd day of June 1986, at 9:30 o'clock

(over)

Robert Douglas Howard, 86-517-A

SE/S of George Ave., 375' SW of the

C/L of Myrth Avenue, (617 George Ave.)

15th Election District

Zoning Description

IN RE: PETITION ZONING VARIANCE * BEFORE THE
SE/S of George Avenue, 375' * ZONING COMMISSIONER
SW of the centerline of Myrth * OF BALTIMORE COUNTY
Avenue (617 George Avenue) - *
15th Election District * Case No. 86-517-A
Robert Douglas Howard, et ux, *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 10 inches instead of the required 7.5 feet in order to construct a carport, as more particularly described on Petitioners' Exhibit 1.

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The Petitioners wish to protect one of their cars and are having a 12' x 36' carport constructed which will extend from the existing driveway down the side of their house. They have water problems in their basement on the north side and expect that the carport will cure this problem.

Mr. Caraway argued that the carport would adversely impact property values, would be creating a precedent for other properties in the neighborhood, and would cause further water run-off problems.

The first two issues, although legitimate concerns, lack merit; however, the latter is significant. Mr. Howard stated that he had obtained permission from the property owner to the rear, Mr. Delp, to connect a drain pipe from the down spouts on both sides of his house into Mr. Delp's drain, which would lead the water out onto Woodward Avenue in front of Mr. Delp's property.

Mr. Caraway argued that Mr. Delp had agreed to allow connection into his drain for water run-off from only the south side. Therefore, there would be no solution to the run-off problem, inasmuch as the carport is so close to his property.

Although Mr. Delp was not present at the hearing, he was contacted and verbally indicated to this Commissioner that he agreed to permit only one side of Mr. Howard's house to be connected into his drain.

The Petitioners seek relief from Sections 1802.3C.1 and Section 301.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

It is clear from the testimony that if the variance were granted, such use as proposed would be contrary to the spirit of the BCZR and would result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would not result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would not unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, on the 27th day of June, 1986, that the Petition for Zoning Variance to permit a side yard setback of 10 inches instead of the required 7.5 feet be and is hereby DENIED, subject to the following:

- 2 -

PETITION FOR ZONING VARIANCE

15th Election District

Case No. 86-517-A

LOCATION: Southeast Side of George Avenue, 375 feet Southwest of the Centerline of Myrth Avenue, (617 George Avenue)

DATE AND TIME: Monday, June 23, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 10 inches in lieu of the required 7 feet 5 inches for an open projection (carport)

Being the property of Robert Douglas Howard, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

1. The Petitioners have 30 days from the date of this Order to remove the carport which was constructed without a permit.

Zoning Commissioner of
Baltimore County

At/srl

cc: Mr. & Mrs. Robert Douglas Howard

Mr. James Caraway

Mr. Charles Atkinson

People's Counsel

DATE June 27, 1986
BY [Signature]

- 3 -

RE: PETITION FOR VARIANCE * BEFORE THE ZONING COMMISSIONER
SE/S of George Ave., 375' * OF BALTIMORE COUNTY
SW of the C/L of Myrth *
Ave. (617 George Ave.) *
15th District * Case No. 86-517-A
ROBERT DOUGLAS HOWARD, *
et ux, Petitioners * : : : : *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 9th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Robert Douglas Howard, 617 George Ave., Baltimore, MD 21221, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

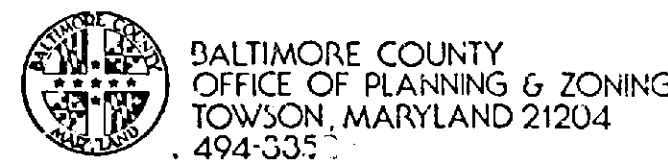
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 21st day of May, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Robert D. Howard, et ux
Attorney: [Signature]
Received by: James E. Byer
Chairman, Zoning Plans
Advisory Committee



ARNOLD JABLON
ZONING COMMISSIONER

June 17, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. Robert D. Howard
Mrs. Patricia Howard
617 George Avenue
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
SE/S George Ave., 375' SW of the c/l
of Myrth Ave. (617 George Ave.)
15th Election District
Robert Douglas Howard, et ux - Petitioners
Case No. 86-517-A

Dear Mr. and Mrs. Howard:

This is to advise you that \$62.60 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property until time it is placed by this office.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 6/24/86 ACCOUNT R-01-615-000
SIGN & POST RETURNED 6/24/86 AMOUNT \$ 62.60
FOR Robert D. Howard
Advertising and Posting re Case #86-517-A
C 011*****020014 0247
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE
15th Election District
Case No. 86-517-A

LOCATION: Southeast Side of George Avenue, 375 feet Southwest of the Centerline of Myrth Avenue, 617 George Avenue, Baltimore, Maryland.

DATE AND TIME: Monday, June 23, 1986 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance to permit a side yard setback of 10 inches in lieu of the required 7 feet 6 inches for an open projection (carport).

Being the property of Robert Douglas Howard, et ux, as shown on the plan filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
3511 June 3.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 5, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 5, 1986.

THE JEFFERSONIAN,

Susan Anderson Phoebe
Publisher

Cost of Advertising

24.75

Petition for Zoning Variance

15th Election District
Case No. 86-517-A

LOCATION: Southeast side of George Avenue, 375 feet southwest of the centerline of Myrth Avenue (617 George Avenue).

DATE & TIME: Monday, June 23, 1986 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance to permit a side yard setback of 10 inches in lieu of the required 7 feet 6 inches for an open projection (carport).

Being the property of Robert Douglas Howard, et ux, as shown on the plan filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County

The Times

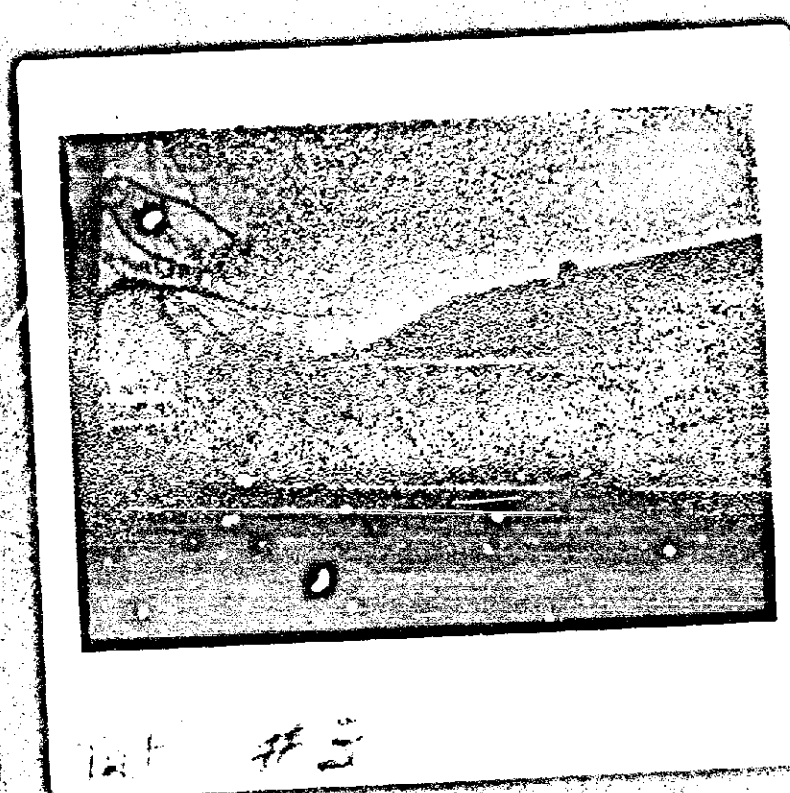
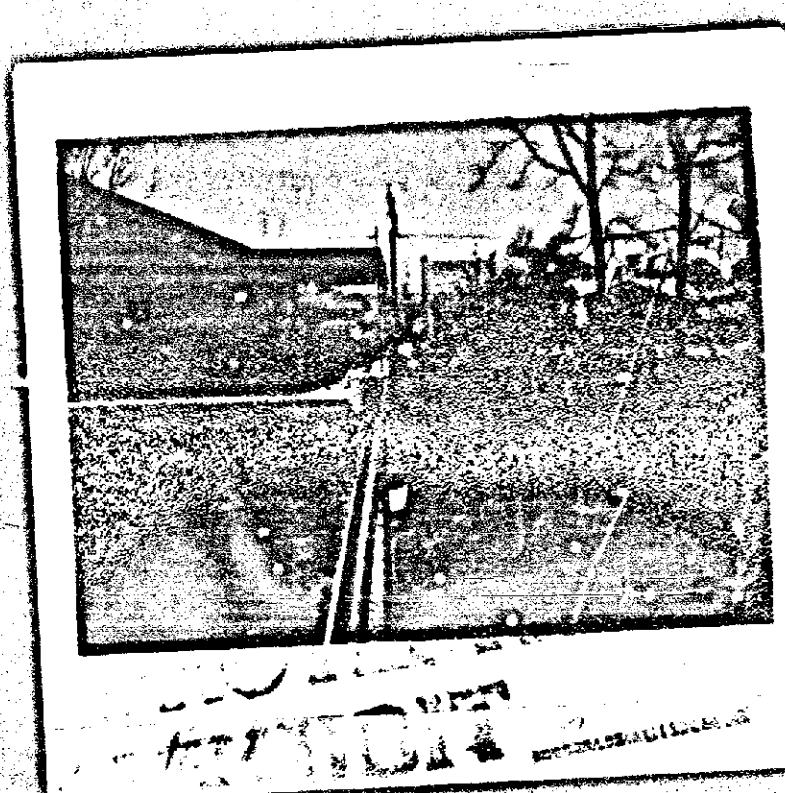
Middle River, Md., June 5, 1986

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive

weeks before the 5th day of June, 1986.

Arnold Jablon
Publisher.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 6/14/86

Posted for: Variance

Petitioner: Robert Douglas Howard, et ux

Location of property: SE/S George Ave., 375' SW of Myrth Ave.
617 George Ave.

Location of Sign: George Avenue, 375' SW of Myrth Ave.,
on property of Petitioner.

Remarks:

Posted by: Arnold Jablon
Signature

Number of Signs: 1 Date of return: 6/16/86

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 16, 1986

Norman E. Gerber, AICP
FROM: Director, Office of Planning & Zoning

SUBJECT: Zoning Variance Petition Nos.

- 86-517-A Robert D. Howard, et ux
- 86-518-A John M. Williams, et ux
- 86-522-A Herman G. Ainschuetz, et ux
- 86-523-A Lupton Construction & Building Co., Inc.
- 86-525-SpH B. J. Kirkwood & Co., Inc.
- 86-527-A Jeffrey Zuckerberg, et ux

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, AICP
Norman E. Gerber, Director

NEG:JGH:bjs

CPS-008

Mr. Robert Douglas Howard
Mrs. Patricia Howard
617 George Avenue
Baltimore, Maryland 21221

May 23, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SE/S George Ave., 375' SW of the c/l
of Myrth Avenue. (617 George Ave.)
15th Election District
Robert Douglas Howard, et ux - Petitioners
Case No. 86-517-A

TIME: 9:30 a.m.

DATE: Monday, June 23, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 6/24/86 ACCOUNT 01-615

AMOUNT \$ 35.00

FOR: FILING FEE FOR VARIANCE ITEM 393

ROBERT HOWARD, PETITIONER

BALTIMORE COUNTY, MARYLAND

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 10, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21221

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. and Mrs. Robert Howard
617 George Avenue
Baltimore, Maryland 21221

RE: Item No. 393 - Case No. 86-517-A
Petitioner: Robert and Patricia Howard
Zoning Variance Petition

Mr. and Mrs. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: John C. Mellema, Sr., Inc.

PUBLIC UTILITIES
EXIST IN GEORGE AVE. GEORGE AVENUE
(30' WIDED)
(30' PAVING) DR 5.5

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENT THEREON AND THAT THEY ARE LOCATED AS SHOWN. THIS PLAN IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

NOTE: ALSO KNOWN AS LOT 37 AS SHOWN ON "PART OF PART OF ESSEN LANDS SUBDIVISION" RECORDED IN BALTO. CO. IN PLAT BOOK 5 FOLIO 52. 15TH ELECTION DISTRICT

2-27-84 John C. Mellema, Sr. REG. NO. 107

LOCATION SURVEY

617 GEORGE AVENUE BALTIMORE CO., MD.

JOHN C. MELLEMA SR., INC.
LAND SURVEYORS

6100 BALTIMORE NATIONAL PIKE - BALTIMORE, MARYLAND 21228

SCALE

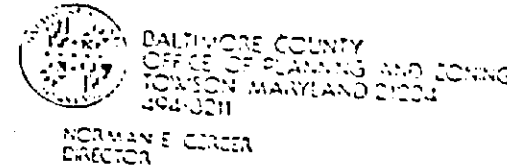
1"=30'

DATE

9-27-84

JOB NO.

54270



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JUNE 2, 1986

Re: Zoning Advisory Meeting of MAY 6, 1986
Item # 393
Property Owner: ROBERT D. HOWARD et al
Location: SE/S GEORGE AVE. 375'
SW of Q of MYRTH AVE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The access is not satisfactory.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking arrangement is not satisfactory.
- ☐ Parking calculations must be shown on the plan.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board on _____.
- ☐ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☐ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- ☐ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
- ☐ Additional comments: _____

cc: James Howell

Eugene A. Rober
Chief, Current Planning and Development



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

May 20, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Robert D. Howard, et ux

Location: SE/S George Avenue, 375' SW of centerline of Myrth Avenue

Item No.: 393 Zoning Agenda: Meeting of 5/6/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Joseph Kelly 5/20/86
Planning Group
Special Inspection Division

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

May 19, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 393 Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert D. Howard, et ux
Location: SE/S George Avenue, 375 feet SW of c/l Myrth Avenue
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- (B) A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 1401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 1401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Uses _____. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- (G) Comments: See memo for open porches. Attached carports shall be constructed the same as rear porches. A minimum Class "C" roof is required.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Dunham
By: C. E. Dunham, Chief
Building Plans Review

4/22/86

BALTIMORE COUNTY BUILDING CODE

1984 BOCA, SECTION 110.6

CODE MEMORANDUM #1

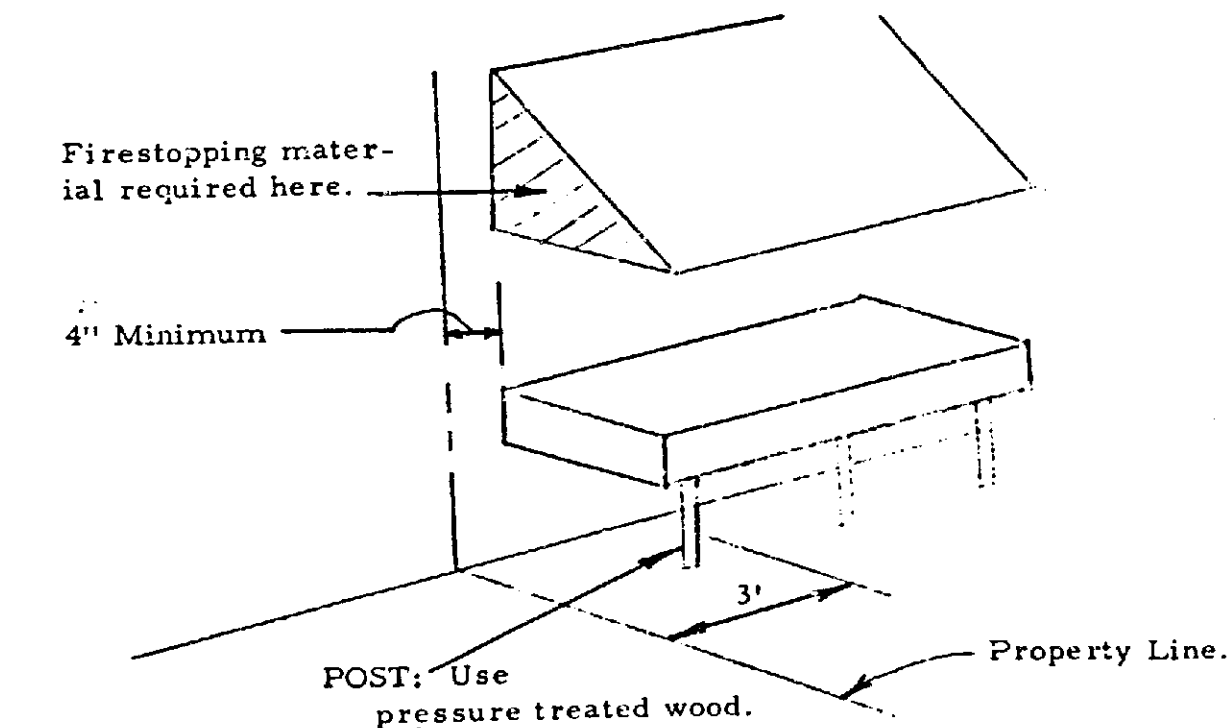
Effective 4-22-85

SUBJECT:

A. Rear Porches

Rear open porches may be constructed of combustible materials up to 3 feet from a property line without any additional fire protection requirements.

Rear open porches may be constructed of combustible materials up to 4" from a property line if facing surfaces shown (see diagram) are protected by a layer of drywall, fire retardant treated plywood, or other approved firestopping material and any exposed supporting members within 3 feet are non-combustible, or pressure treated wood.



OVER